

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

WESTERN DIVISION

FRANCIS X. DELUCA,

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF  
ELECTIONS; KIM WESTBROOK STRACH,  
in her official capacity as Executive Director of  
the State Board; and A. GRANT WHITNEY,  
RHONDA K. AMOROSO, JOSHUA D.  
MALCOLM, JAMES BAKER, and MAJA  
KRICKER, in their official capacities as  
members of the State Board of Elections,

Defendants,

and

LEAGUE OF WOMEN VOTERS OF NORTH  
CAROLINA, *et al.*,

and

NORTH CAROLINA STATE CONFERENCE  
OF THE NATIONAL ASSOCIATION FOR  
THE ADVANCEMENT OF COLORED  
PEOPLE,

Defendant-Intervenor.

Declaration of  
Brian Neesby

**NOW COMES** Brian D. Neesby, who under penalty of perjury states as follows:

1. I am over 21 years of age, legally competent to give this declaration, and make the statements contained herein based upon the facts presently known to me.

2. I serve as a Business Systems Analyst at the North Carolina State Board of Elections (“SBE”), and have served in that capacity since October 2014.

3. I have access to business records relating to voter registration that are stored within the Statewide Election Information Management System (“SEIMS”), a suite of databases and applications maintained by and in the custody of the State Board.

4. I am familiar with the SEIMS system and the manner in which the business records of the State Board were generated, which were created in the regular course of business at or near the time of the events recorded and that are based upon the personal knowledge of the election official making the record.

5. In the course of performing my day-to-day duties as Business Systems Analyst, I regularly review voter registration records maintained in the SEIMS system and query the data to determine the origin of registration activity, to analyze demographic and geographic information of groups of voters, to review the voting history of an individual or subset of the voting population, and to determine the verification status of an individual registrant.

6. I queried the current mail verification status of all registrants that registered using the same-day registration process during the November 2016 General Election. I have attached a chart that provides these registrants mail verification status as of 12/3/2016 (Exhibit 1).

7. I also queried the mail verification status of all registrants that were eligible to vote on Election Day and who did not use the same-day registration process to register for this election. 1,003,470 registered and eligible voters who did not use the same-day registration process to register for this election, or change their address at an early voting site, were in an “un-verified” status on Election Day. I have attached a chart that provides these registrants mail verification status as of 11/08/2016 (Exhibit 2).

8. I have queried the number of registration records in SEIMS that were created using the same-day registration process; that number is 399,505.

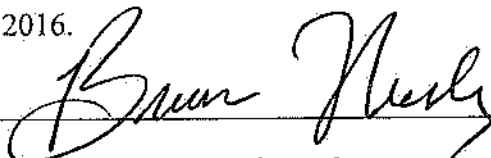
9. I have queried the number of registration records in SEIMS where an in-county address change was processed during an early voting period; that number is 614,305.

10. SEIMS records indicate that SEIMS will wait 15 days after a verification mailing is sent out before a registration record's verification status is changed to "verified." If a notice is returned undeliverable after the 15 days, the registrant's verification status will be changed to one of several "unverified" statuses.

11. These records also demonstrate that there is substantial variability in how long mail takes to be returned as undeliverable. Whereas the majority of the first verification cards are returned within 15 days, 47% are returned after 15 days and one-fifth (20%) are not returned until after the 30<sup>th</sup> day. For all registration records within SEIMS where a verification card was mailed pursuant to the new voter verification procedure, Exhibit 3 charts the number of days between the date the first verification card was mailed and the date the corresponding undeliverable notice was processed.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of December, 2016.

  
Brian Neesby, Business Systems Analyst  
North Carolina State Board of Elections

**The Current Mail Verification Status of  
SDR Registrants in the 11/8/2016 Election**

<b>Verification Status</b>	<b>Count</b>
<b>Verified</b>	<b>86351</b>
NEW VOTER: VERIFIED	86351
<b>At least one undeliverable notice</b>	<b>2117</b>
NEW VOTER: 2ND VERIFICATION (PRIOR TO MAILING)	434
NEW VOTER: 2ND VERIFICATION PENDING	1063
NEW VOTER: ADDR CONFIRMATION TO FWD ADDR (PRIOR TO MAILING)	111
NEW VOTER: FWD ADDRESS CHANGE (CONFIRMATION PENDING)	509
<b>Denied</b>	<b>290</b>
NEW VOTER: DENIED*	208
VOTER CHG: INACTIVE	82
<b>Pending</b>	<b>8138</b>
NEW VOTER: 1ST VERIFICATION PENDING	7893
NEW VOTER: 1ST VERIFICATION(PRIOR TO MAILING)	245
<b>Interrupted / New Verification Process Started</b>	<b>3635</b>
ADMIN MAILING: 1ST VERIFICATION PENDING	4
VOTER CHG: (PRIOR TO 1ST MAILING)	209
VOTER CHG: 1ST VERIFICATION PENDING	3408
VOTER CHG: VERIFIED	14
<b>Grand Total</b>	<b>100531</b>

\* Voter History has not been finalized for 34 counties as of this date. If the registrant records in this category are associated with voter history, the mail verification status will be amended accordingly and will no longer be in a denied status.

**The Current Mail Verification Status of Eligible Registrants Who Did Not Use SDR  
to Register or Change their address for the 2016 General Election**

<b>Verification Status</b>	<b>Count</b>
<b>In-Process</b>	<b>83210</b>
ADMIN MAILING: 1ST VERIFICATION PENDING	3071
NCOA: (PRIOR TO 1ST MAILING)	1260
NEW VOTER: 1ST VERIFICATION PENDING	38215
NEW VOTER: 1ST VERIFICATION(PRIOR TO MAILING)	974
VOTER CHG: (PRIOR TO 1ST MAILING)	2705
VOTER CHG: 1ST VERIFICATION PENDING	30897
NO VERIFICATION STATUS	6088
<b>Verified Status</b>	<b>5030667</b>
NEW VOTER: VERIFIED	1389660
VOTER CHG: VERIFIED	3641007
<b>Unverified Status</b>	<b>1003470</b>
NEW VOTER: 2ND VERIFICATION (PRIOR TO MAILING)	481
NEW VOTER: 2ND VERIFICATION PENDING	1779
NEW VOTER: ADDR CONFIRMATION TO FWD ADDR (PRIOR TO MAILING)	217
NEW VOTER: DENIED	122
NEW VOTER: FWD ADDRESS CHANGE (CONFIRMATION PENDING)	452
VOTER CHG: ADDR CONFIRMATION TO FWD ADDR (PRIOR TO MAILING)	4328
VOTER CHG: ADDR CONFIRMATION TO OLD ADDR (PRIOR TO MAILING)	11814
VOTER CHG: FWD ADDRESS CONFIRMATION PENDING	1671
VOTER CHG: INACTIVE	935781
VOTER CHG: OLD ADDRESS CONFIRMATION PENDING	3294
VOTER CHG: INACTIVE PENDING	43531
<b>Grand Total</b>	<b>6117347</b>

## Number of Days for the First Notice to be Returned as Undeliverable

